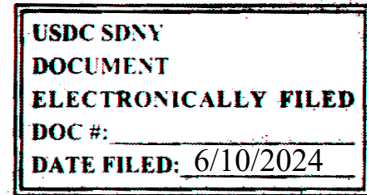


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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LUN GUO,

Plaintiff,

23-CV-00119 (DEH)(SN)

-against-

ORDER

MARJORIE MAE PERRY,

Defendant.
-----X

SARAH NETBURN, United States Magistrate Judge:

Defendant previously filed a motion to dismiss arguing that the Court lacks diversity jurisdiction over Plaintiff's state law fraud claim. ECF No. 26. Today, the Court held a remote conference to discuss the parties' citizenship. Based on the parties' representations at today's conference, the parties have established that, when Plaintiff filed his complaint, he was a foreign citizen and Defendant was a New York citizen.

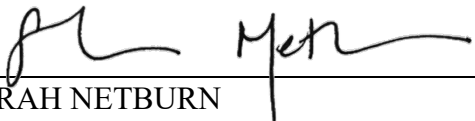
Additionally, at Friday's conference, the parties expressed an interest in mediation. The Court has referred the parties to the Alternative Dispute Resolution Program by separate order. Given the parties' interest in mediation, Defendant's motion to dismiss is STAYED pending the outcome of the parties' mediation.

Plaintiff has requested that the Court appoint him *pro bono* counsel. That request is DENIED without prejudice as premature. If, however, the mediation is unsuccessful and the Court denies Defendant's motion to dismiss, Plaintiff may renew his request for *pro bono* counsel at that time.

Finally, attached to this order is a Consent to Electronic Service form and accompanying instructions. Defendant may consent to receiving email notification of all filings in this case by signing this form and returning it to the Court.

The Clerk of Court is respectfully directed to terminate the motion at ECF No. 43 and stay the case.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: June 10, 2024
New York, New York

cc: Marjorie Mae Perry
marjoriemaeperry@gmail.com